

Staff: Laura Popa
Elisa Chae
Jennifer Culp
Michael Benjamin
Rocco D'Angelo

THE COUNCIL



HUMAN SERVICES DIVISION
Robert Newman, Legislative Director

REPORT OF THE COMMITTEE ON YOUTH SERVICES
Council Member Lewis A. Fidler – Chairperson

April 18, 2007

INT. NO. 341-A

By: Council Members Oddo, Fidler, Sears, White Jr., McMahon, Vallone Jr., Felder, Martinez, de Blasio, Gallagher, Comrie, Mendez, Reyna, Brewer, Stewart, Yassky, Nelson, Seabrook, Addabbo Jr., Recchia Jr., Gioia, Barron, Arroyo, Baez, Palma, Vacca, Koppell, Gonzalez, Lappin, Vann, Ignizio, Rivera and the Public Advocate (Ms. Gotbaum)

TITLE

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the use of non-wood bats.

ADMINISTRATIVE CODE

Amends Title 10 by adding a new section 10-165.

On Wednesday, April 18, 2007, the Committee on Youth Services will hold a hearing on Int. No. 341-A, which would amend the New York City Administrative Code with respect to prohibiting the use of non-wood bats. At this time, the Committee is expected to override a Mayoral veto of this bill, which was adopted by the Council on March 14, 2007. Previous hearings were held on this legislation on October 23, 2006 and March 12, 2007.

Background

On September 27, 2002, the Committee considered Int. No. 100, which would have prohibited the use of non-wood bats by minors.¹ During this hearing, testimony was received regarding legislation that would prohibit any person from using non-wood bats in competitive baseball games in which minors are participants and which take place in connection with a league operating in New York City.

Int. No. 341-A, as amended and discussed below, would prohibit the use of non-wood bats in any competitive baseball game in which high school age children are participants and which involves the participation and/or sponsorship of a school. Advocates of the legislation argue that the use of non-wood bats has introduced an unacceptable risk of injury into the game of baseball, and that such a risk is heightened in the field of competitive high school baseball, where there is an obvious increase in the hitting power of players.

NCAA Standards and Specifications for Non-Wood Bats

In August of 1998, the National Collegiate Athletic Association (NCAA) Baseball Rules Committee, concerned with both player safety and the competitive balance between offense and defense that seemed to be eroding due to the introduction of high-tech metal (non-wood) bats, voted to recommend baseball bat performance standards that would be implemented in January of 1999 for NCAA play.² These recommendations included a maximum batted-ball exit velocity of 93 miles per hour (plus a one mile per hour deviation for test variance), as well as a maximum allowable bat diameter of 2 5/8 inches (reduced from 2 3/4 inches) and a length to weight unit differential of 3 (reduced from 5).³ In August of 1998, the NCAA Executive Committee approved the recommendations made by its Baseball Rules Committee, moving the effective date to August 1, 1999, "to ensure that proper testing could take place and that bats would be available."⁴ In approving the new bat performance standards, the NCAA Executive Committee recognized that "the rules committee's concern over the potential for injury is real and serious."⁵ The NCAA's decision to limit the ball exit speed to 94 miles per hour (including the one mile deviation) was based on "research that the average time to react to a ball hit from [home plate to the pitcher's mound] is approximately 0.4 seconds. The ball-exit velocity that matches this reaction time is 93 miles per hour."⁶ The NCAA's

¹ See Report of the Committee on Youth Services, September 27, 2002.

² NCAA News Release, "NCAA Committee Recommends Baseball Bat Performance Standard, New Specs for 1999," August 6, 1998. ("The committee feels that the effects of these recommendations will make the game safer for all participants and provide a better competitive balance between offense and defense.")

³ *Id.*

⁴ NCAA News Release, "NCAA Executive Committee Approves Baseball Bat Changes," August 12, 1998.

⁵ *Id.*

⁶ "Bat Controversy Lingers Over NCAA," ESPN The Magazine Extra, Wednesday, March 31, 2000.

adopted standards did not address the variances that can occur in non-wood bats with respect to the center of swing gravity or mass distribution.

In response to the NCAA's actions to limit non-wood bat performance, Easton Sports, Inc., a major manufacturer of metal bats, filed a restraint-of-trade lawsuit against the NCAA in August of 1998, seeking \$267 million in damages and injunctive relief.⁷

In January of 1999, the NCAA Executive Committee created the NCAA Baseball Research Panel to study risk issues in college baseball.⁸ The Panel made recommendations regarding non-wood bat performance in June of 1999, with Chairperson Milton Gordon noting, "[w]ooden bat risk levels should be the safety standard for all non-wooden bats,"⁹ and "[i]n terms of both risk and integrity, the panel concluded that wood should be the standard."¹⁰ At that time, the Panel recommended that the NCAA should adopt a batted-ball exit speed for non-wood bats that equates to the highest average exit speed of a Major League Baseball quality, 34 inch, solid wood bat.¹¹ Other Panel recommendations included increasing the testing speeds for baseballs and bat swings from 70 miles per hour to 80 miles per hour in order to better approximate game conditions, testing to determine the effect of "work hardening" (whether a bat begins to perform better the more it is used) and testing to determine the distribution of mass on non-wood bat performance.¹² Finally, the Panel recommended January 1, 2000 as the implementation date for the new standards for regular-season competition.¹³

⁷ *Easton Sports, Inc. v. NCAA*, No. 98-2351-KHV (D. Kan. Filed Aug. 27, 1998).

⁸ NCAA News Release, "NCAA Baseball Research Panel Named," February 17, 1999.

⁹ Associated Press, "NCAA Recommends Aluminum Bat Changes," June 12, 1999.

¹⁰ NCAA News Release, "Wood-Like Performance Recommended for Non-Wood Bats," June 12, 1999.

¹¹ *Id.* See also Associated Press, "NCAA Recommends Aluminum Bat Changes," June 12, 1999; The Division II Update, Volume 3, Issue 2, June 1999.

¹² *Id.* The Panel also affirmed the standards regarding barrel width and length to weight unit differential adopted by the NCAA Executive Committee in 1998, as discussed above.

¹³ NCAA News Release, "Baseball Research Panel Makes Recommendations," June 9, 2000.

It appears that the NCAA Executive Committee did not adopt most of its Baseball Research Panel's recommendations. In August of 1999, the NCAA Executive Committee voted to suspend implementation of specifications for non-wood bats set to be effective that month until additional test data could be collected.¹⁴ Thereafter, according to an NCAA News Release dated September 28, 1999, the NCAA Executive Committee approved a batted-ball exit speed of 97 miles per hour, stating that "[t]he committee's decision supports a recommendation from the NCAA Baseball Research Panel that solid northern ash wooden bat performance should become the standard for setting limits on all baseball bat performance."¹⁵ However, as previously noted, the Panel recommended a batted-ball exit speed for non-wood bats that equates to the highest *average* exit speed of a Major League Baseball quality, 34 inch, solid wood bat.¹⁶ According to ESPN, the new rule was based on the highest exit speed at which one Major League bat was tested (96.5 miles per hour), rather than based on an average exit speed of such bats as was recommended by the Panel.¹⁷ Moreover, the 97 miles per hour speed limit was based on a wood bat swung at 67 miles per hour, despite the fact that the Panel recommended an 80 mile per hour bat swing speed.¹⁸ Finally, it should be noted that the newly-endorsed 97 mile per hour exit speed represents an about-face for the NCAA Executive Committee,

¹⁴ NCAA News Release, "NCAA Executive Committee Suspends Implementation of Non-Wood Bat Specification," August 6, 1999.

¹⁵ NCAA News Release, "NCAA Executive Committee Approves Bat Standards," September 28, 1999. The News Release actually stated that the standard was "less than 97 miles per hour." However, in subsequent documentation on this subject, it is clear that the standard is 97 miles per hour or less, not less than 97 miles per hour. *See. e.g.*, NCAA News Release, "NCAA Baseball Rules Committee Recommends No Immediate Changes in Equipment Rules," July 12, 2000 (noting "the original exit speed standard of 97 miles per hour"); National Federation of State High School Associations, "Bats with BESR Standard Legal Immediately in High School Baseball," March 29, 2002 (noting "[t]he BESR mark ensures a maximum exit speed of 97 miles per hour.").

¹⁶ NCAA News Release, "Wood-Like Performance Recommended for Non-Wood Bats," June 12, 1999 (emphasis added).

¹⁷ ESPN The Magazine Extra, "Bat Controversy Lingers over NCAA," March 29, 2000.

¹⁸ *Id.*

who, as discussed above, previously adopted a 94 mile per hour exit speed recommended by its own Rules Committee.¹⁹ According to Bill Thurston, then-Secretary of the NCAA Rules Committee, "the testing protocol was changed to standards we meant to be illegal."²⁰ While the NCAA "approved the panel's recommendation of January 1, 2000 as the implementation date for the standard," it declared a three-year moratorium on changes.²¹

The same NCAA press release describing the new 97 mile per hour bat standard states that "[i]n a related matter, the Executive Committee announced that Easton Sports, Inc., has indicated that it will drop a lawsuit filed by the company against the Association in August 1998."²²

In June of 2000, the NCAA Baseball Research Panel made more recommendations concerning non-wood bat specifications. The recommendations included establishing a moment-of-inertia (MOI) requirement, using a swing-speed sliding scale for non-wood bats in testing and establishing a uniform ball-exit speed based on the highest average exit speed of a 33-inch wooden bat as the standard for certification of non-wood bats.²³ The Panel also recommended raising the pitch speed used during testing to 80 miles per hour (as it suggested in 1999), setting specific standards for baseballs used during testing and ensuring that bats of differing lengths be swung at different speeds during testing.²⁴ Furthermore, the Panel again recommended

¹⁹ NCAA News Release, "NCAA Executive Committee Approves Baseball Bat Changes," August 12, 1998.

²⁰ *Id.* According to Bill Thurston, "[t]he thing that is shocking to me is that the NCAA took the Rules Committee completely out of it."

²¹ NCAA News Release, "NCAA Executive Committee Approves Bat Standards," September 28, 1999.

²² *Id.*

²³ NCAA News Release, "Baseball Research Panel Makes Recommendations," June 9, 2000.

²⁴ *Id.*

that the NCAA collect data to determine the accuracy of testing procedures and support experiments relating to “workhardening.”²⁵

In response to the Baseball Research Panel’s recommendations, the NCAA Rules Committee decided in July of 2000 that there would be no immediate changes in the specifications for manufacturing baseball bats and balls.²⁶ Instead, the Rules Committee indicated that an MOI standard would be set “for each bat length and weight based on bats previously certified by the NCAA Bat Certification Program,” noting that “[a]ll currently certified bats will meet the MOI standard.”²⁷ Thus it appears that MOI requirements were “grandfathered in” for currently-certified bats as of 2000, and that the floor for MOI control would be based on bats that previously did not have to meet any MOI standards.²⁸ The Committee also decided to implement a sliding scale (based on the 97 mile per hour ball exit speed) for swing speed based on bat length, effective January 1, 2003.²⁹ Additionally, the Committee supported the Panel’s recommendation to conduct further study on the “work hardening” effect on non-wood bat performance.³⁰

The current NCAA standard for testing baseball bat performance requires that any non-wood bat submitted for certification meet the above-mentioned specifications, including having a maximum bat diameter no greater than 2.625 inches, a length to weight differential not exceeding three units without the grip and an MOI about the point

²⁵ *Id.*

²⁶ NCAA News Release, “NCAA Baseball Rules Committee Recommends No Immediate Changes in Equipment Rules,” July 12, 2000.

²⁷ *Id.*

²⁸ *Id.* (“The MOI of future bats may not be less than the lowest MOI for bats of that length and weight recorded during the certification process for the 2000 season.”)

²⁹ *Id.*

³⁰ *Id.*

of the bat 6 inches from the base of the knob greater than or equal to a specified value.³¹

Once a bat is tested under controlled conditions at the Baseball Research Center at the University of Massachusetts, it is assigned a Ball Exit Speed Ratio (BESR) number. If a non-wood bat falls at or below a predetermined BESR value set by the NCAA, then that bat is certified.

Significant controversy continues to surround the NCAA's non-wood bat standards. In addition to concerns voiced with respect to the process by which such standards were adopted, a number of questions have been raised regarding the adequacy of testing used for BESR certification. Those who argue that the current testing is flawed point to the fact that testing protocol does not adequately address a bat's MOI, since the MOI restrictions established by the NCAA for non-wood bats are not comparable to the MOI of wood bats.³² Indeed, a typical 34 inch wood bat has an MOI of 11,000 oz-in²,³³ while the NCAA MOI scale indicates that a 34 inch non-wood bat may have an MOI of 9530 oz-in².³⁴

Bat mass distribution differs in metal and wood bats of equal mass and length, and a wood bat has more of its weight concentrated in the barrel while a metal bat has

³¹ NCAA Collegiate Athletic Association Standard For Testing Baseball Bat Performance, November, 2005, Revised: 30-October-2006. It should be noted that solid wood bats do not need to be tested for certification for NCAA play.

³² See, e.g., Alan M. Nathan, *Some Thoughts on Wood vs. Aluminum Bats*, Submitted to MIAA, January 10, 2003 ("The NCAA test procedure does not take into account the MOI of the bat."); Daniel A. Russell, Explaining the BESR Performance Standard for Baseball Bats," ("If the NCAA wanted to regulate bat performance so that non-wood bats would hit balls with the same speed as wood bats, then the MOI limit for a non-wood bat would have to be set equal to the MOI value of a typical wood bat.") <http://www.kettering.edu> (last accessed 3/10/07).

³³ Alan M. Nathan, *Some Thoughts on Wood vs. Aluminum Bats*, Submitted to MIAA, January 10, 2003.

³⁴ NCAA Collegiate Athletic Association Standard For Testing Baseball Bat Performance, November, 2005, Revised: 30-October-2006.

more of its weight concentrated closer to the hands.³⁵ Bats with smaller MOIs (non-wood bats) have the weight concentrated close to the hands and are easier and faster to swing than wood bats, thus producing an increased ball exit velocity.³⁶ Pursuant to this view, the failure to take into account the real differences in weight distribution between a wood bat and a non-wood bat means that non-wood bats can produce ball exit speeds higher than such speeds purported to be acceptable by the NCAA.³⁷

National Federation of State High School Standards and Specifications for Non-Wood Bats

In 2001, the Baseball Rules Committee of the National Federation of State High School Associations (NFHS), which establishes consistent standards and rules for competition across the country, approved the requirement (effective January 1, 2003) that a BESR certification mark be present on all non-wood bats at high school level games.³⁸ Such a mark “denotes that non-wood bats have a maximum exit speed of 97 miles per hour (under a set of laboratory conditions) and they have met moment-of-inertia requirements, as well as a maximum diameter of the bat and a minus-3 differential

³⁵ See, e.g., Alan M. Nathan, *Some Thoughts on Wood vs. Aluminum Bats*, Submitted to MIAA, January 10, 2003; Nicholls et al, *A Numerical Model for Risk of Ball-Impact Injury to Baseball Pitchers*, *Medicine and Science in Sports and Exercise*, submitted for publication December 2003).

³⁶ See, e.g., Alan M. Nathan, *Some Thoughts on Wood vs. Aluminum Bats*, Submitted to MIAA, January 10, 2003; Daniel A. Russell, *Explaining the BESR Performance Standard for Baseball Bats*, <http://www.kettering.edu> (last accessed 3/10/07); Sherwood et al, *Characterizing the Performance of Baseball Bats Using Experimental and Finite Element Methods*; Fleisig et al, *The Relationship Between Bat Mass Properties and Bat Velocity*, *Journal of Sports Engineering*, Volume 5 (2002).

³⁷ See, e.g., Alan M. Nathan, *Some Thoughts on Wood vs. Aluminum Bats*, Submitted to MIAA, January 10, 2003 (“Even with [the NCAA’s MOI] restriction, aluminum bats outperform wood bats in the field.”)

³⁸ “*Baseball Rules Committee Focuses on Clarification of Bat Standards and Sportsmanship During Pre-Game Practice*,” NFHS, June 25, 2003, www.nfhs.org (last accessed 3/9/07).

between the length and weight of the bat.”³⁹ Both public and private schools in the City adhere to standards adopted by the NFHS.⁴⁰

It appears that before the NFHS Rules Committee approved the BESR changes, it made broader recommendations to the NFHS Board of Directors, which were rejected in 2000.⁴¹ Two deferred proposals included imposing a more restrictive maximum exit ball speed than the one adopted by the NCAA and establishing an MOI requirement.⁴² In making its recommendations regarding the restriction on non-wood bat performance to the Board of Directors, the Rules Committee indicated that it assessed potential rule changes in light of risk minimization, maintenance of an appropriate balance between offense and defense and preservation of the sound traditions of the sport of baseball.⁴³ The Rules Committee also noted that “[c]ommon sense tells us that ...risk is increased in some measure when balls come off premium non-wood bats at greater exit speeds,” and that “[t]he change proposed by the Committee may be viewed, in part, as precautionary against a future uptrend in injuries.”⁴⁴

Major League Baseball Standards

Major League Baseball, the organization that oversees elite, professional baseball play in the United States, prohibits the use of non-wood bats in any of its leagues.

³⁹ *Id.*

⁴⁰ *See, e.g.*, Public Schools Athletic League, “Baseball Rules and Regulations, 2007,” <http://www.psal.org> (last accessed 3/9/07).

⁴¹ NFHS Board of Directors Approves New Bat Rule, January 7, 2000, www.stevetheump.com/NFHSbatrules.htm (last accessed 3/11/07); Michigan High School Athletic Association (MHSAA) Bulletin, April 2000, Volume LXXVI, Number 7.

⁴² *Id.* It should be noted that it appears that the NFHS Baseball Rules Committee did not adopt a maximum exit ball speed for its recommendations, but instead indicated that it expected that such a rule would be “considered for adoption next summer, with a target implementation date of January, 2002.” The MOI requirement suggested was 9000 oz-in². Baseball Rules Committee Recommendation for a Bat Rule Change, <http://www.stevetheump.com/NFHSbatrules.htm> (last accessed 3/11/07).

⁴³ *Id.*

Pursuant to Major League Baseball rules, wood bats are allowed for Major League play, while wood, wood laminated or wood composite bats are permitted for Minor League Short Season, Rookie Advanced or Rookie League play.⁴⁵ No bat may be used in any such elite league unless prior approval is received by the designee of the Commissioner of Major League Baseball.⁴⁶ Any wood laminated or wood composite bat submitted for use in professional baseball must meet performance and durability tests, and must thereafter receive final approval from the Commissioner's designee.

The Commissioner of Major League Baseball, Allan H. (Bud) Selig, has written a letter to New York City Council Speaker Christine Quinn in which he expressed support for the Council's efforts to prohibit the use of non-wood bats.⁴⁷

Player Development and Baseball Tradition

In addition to citing safety concerns, those who advocate for a prohibition on the use of non-wood bats note that the use of such bats is harmful to player development and deleterious to the traditional way baseball is supposed to be played. Many baseball purists believe that wood bats are essential to preserve the integrity of the game. Because Major League Baseball prohibits the use of non-wood bats, players without experience using wood bats are arguably at a distinct disadvantage with respect to achieving status as a professional player. Studies have indicated that players who changed from using aluminum bats during NCAA play to using wood bats in the Cape Code League (wood

⁴⁴ *Id.*

⁴⁵ Major and Minor League Baseball's Wood Bat Specifications Compliance Requirements, on file with Committee staff.

⁴⁶ *Id.*

⁴⁷ Letter from Major League Baseball Commissioner Alan H. Selig to Speaker Quinn, January 29, 2007, on file with Committee staff.

only) experienced a drop of approximately 100 points in their batting averages, while homeruns declined from one per 25 at bats to one per 75 at bats.⁴⁸

It is common knowledge that it is easier to get a hit off a non-wood bat than it is to hit off a wood bat, due in part to its larger sweet-spot. Furthermore, metal bats can produce ball exit speeds at higher velocities than wood bats, as discussed above.⁴⁹ This difference in bat performance arguably has a negative effect on batter development, as well as the development of pitchers who have to use “drastically different strategies when pitching against players using aluminum bats than they would if they were pitching against players using wooden bats.”⁵⁰ For purposes of observing a player’s batting talent, Major League Baseball scouts are primarily concerned with seeing players hit with wood, as it is misleading to rely on a player’s metal bat performance.⁵¹

In an effort to provide players with the skills necessary to compete at the professional level, a significant number of all-wood collegiate summer leagues have been established nation-wide, including eight leagues affiliated with the National Alliance of College Summer Baseball (NACSB) and the Cape Cod Baseball League, which as the first NCAA-sanctioned league to go all wood, is widely regarded as the model for

⁴⁸ James A. Sherwood, et al., *Characterizing the Performance of Baseball Bats Using Experimental Finite Element Methods*, citing studies by Thurston (1998, 1999 and 1999).

⁴⁹ *Id.* (“The current high-performance metal bats outperform the best wood bats by about 10% in measured exit velocities under the same pitch and bat swing speeds.”)

⁵⁰ Matt Kelly and Paul Pedersen, *Hardball-Hardbat: A Call for Change From Aluminum to Wooden Baseball Bats in the NCAA*, December 15, 2000.

⁵¹ See, Interview with baseball scout Dennis Meeks.

<http://www.sabernomics.com/sabernomics/index.php/2005/05/interview-with-a-scout/>; Robert Costa, *Wood it be good for the game? Collegiate baseball finds itself in a battle of the bats*, April 27, 2005. <http://www.dailybruin.ucla.edu/news/2005/apr/27/wood-it-be-good-for-the-game/>, St. Petersburg Times, *Bat Men: Wood Bat Leagues Give Scouts, Players That Pro Feel*, July 22, 2005.

summer leagues. Such programs are well known and frequented by scouts looking for prospective professional ball players.⁵²

The Move to Switch to Wood

Because of the significant safety concerns regarding the use of non-wood bats, as well as the desire to improve player development and adhere to the traditions of the game, there has been an increasing trend toward prohibiting the use of non-wood bats in favor of wood and wood composite bats. Organizations that have made the switch include the Nassau Suffolk Catholic High School Athletic Association,⁵³ the Prospect Park Baseball Association of Brooklyn,⁵⁴ the Garden City Athletic Association,⁵⁵ the North Dakota High School Athletic Association,⁵⁶ Wyckoff Township⁵⁷ and Montvale.⁵⁸ State

⁵² See, e.g., David Albright, *Lowell Park a Virtual Baseball "Mecca" Says ESPN*, <http://www.kettleers.org/lowellparkespn.htm>; Greater Media Newspapers Independent Sports, *Summertime the right time for ABCCL action*, June 21, 2006, <http://www.abccl.com/home.htm>; Frank Jolley, *Building a league: FCSL hopes state's wealth of talent will help it succeed*, THE DAILY COMMERCIAL LEESBURG, June 30, 2006, <http://www.floridaleague.com/June302006BuildingaLeague>.

⁵³ NSCHAA became a wood only league in spring of 2006. According to its President, Donald Buckley, "We are very proud of our decision and confident that in the long run, it is in the best interest of the children and baseball to continue using the wood bats." Letter from Mr. Buckley dated November 30, 2006, on file with Committee staff.

⁵⁴ PPBA prohibited metal bats for its older players in Spring 2007. According to its wood bat policy (on file with Committee staff), "the greatest concern about the increased risk of injury to players using metal versus wood bats lies with older players, who hit the ball harder than younger players." Participating organizations include: 78th Precinct Youth Council, St. Francis Xavier Youth Sports, Camp friendship, Holy Name Fathers Guild, Immaculate Heart of Mary, Brooklyn Angels, Our Lady of Guadalupe, Sacred Heart Youth Program and South Brooklyn Youth Organization.

⁵⁵ A January 2007 letter (on file with Committee staff) from the GCAA Board of Directors indicates that a decision was made to switch to wood bats because "[e]very split-second matters." According to the Board, "After careful consideration and review of the issues, we, the GCAA Board, have decided that we respectfully disagree with our colleagues at Little League Baseball, Inc., though we believe their opinion to be sincere and well-intentioned. Our responsibility, first and foremost, is to the children who participate in our programs. While we cannot make our programs risk-free, we can, and must, take all necessary steps to eliminate what we believe are the very real risks presented by metal bats."

⁵⁶ NDHSAA voted to switch to wood on June 21, 2005. As per the testimony of Joel Swanson, an NDHSAA Advisory Representative for Baseball and Association Scout for the Tampa Bay Devil Rays, "safety, weather and cost were the main reasons cited for the change." Mr. Swanson also indicated that "[w]ith the introduction of composite bats, we feel this is the perfect situation for ND."

Legislatures that are considering a ban on non-wood bats include Montana⁵⁹ and New Jersey.⁶⁰

Int. No. 341-A

Int. No. 341-A would amend Title 10 of the Administrative Code of the City of New York by adding a new section 10-165.

Section one of the local law would state the legislative findings and intent, noting that the Council finds that the use of non-wood bats poses an unacceptable risk of injury to children, particularly those who play competitive high school baseball. Section two of Int. No. 341-A would amend Title 10 of the Administrative Code by adding a new section 10-165. Subdivision a of §10-165 would provide for the following definitions:

1. "Competitive baseball game" would mean any organized baseball game at which a certified umpire officiates and which takes place in the city of New York.
2. "High school age children" would mean persons older than thirteen years of age, but younger than eighteen years of age.
3. "School" would mean any public or private school which includes any grade nine through twelve and which is located in the city of New York.
4. "Wood bat" would mean any baseball bat constructed exclusively of wood or any wood laminated or wood composite bat, which is approved by major league baseball,

⁵⁷ Wyckoff Township Recreation Officials passed the ban in late 2006 for grades 2-8, after Steven Domalewski of Wayne, New Jersey, was seriously injured by a ball hit off a metal bat. Board President Richard Weiner noted, "[w]e thought there was a need [for us] to be pioneers in this area." The Record, Bergen County, "Rec League Bars Metal Bats," December 22, 2006.

⁵⁸ According to Alan Weinstein, Baseball Commissioner of Montvale's Athletic League, the ban, which was passed in October of 2006 and would affect players in kindergarten through eighth grade, will make kids safer, as well as better hitters. The Record, North Passaic, "NJ Leagues May Return to Wood Bats," January 12, 2007.

⁵⁹ House Bill No. 360 (McChesney).

pursuant to such organization's official rules, for major league or minor league baseball play; provided that such term shall not include any bat made in whole or in part of metal, including, but not limited to, aluminum, magnesium, scandium, titanium or any other alloy compound.

Pursuant to subdivision b of §10-165, only wood bats shall be used in any competitive baseball game in which high school age children are participants and which involves the participation and/or sponsorship of a school.

Section 3 of Int. No. 341-A would provide that this local law would take effect on September 1, 2007.

⁶⁰ A. 3388 (Diegnan).

Int. No. 341-A

By Council Members Oddo, Fidler, Sears, White Jr., McMahon, Vallone Jr., Felder, Martinez, de Blasio, Gallagher, Comrie, Mendez, Reyna, Brewer, Stewart, Yassky, Nelson, Seabrook, Addabbo Jr., Recchia Jr., Gioia, Barron, Arroyo, Baez, Palma, Vacca, Koppell, Gonzalez, Lappin, Vann, Ignizio, Rivera and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the use of non-wood bats.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The Council hereby finds that the use of non-wood bats poses an unacceptable risk of injury to children, particularly those who play competitive high school baseball.

§2. Title 10 of the administrative code of the city of New York is amended by adding a new section 10-165 to read as follows:

§10-165 Prohibition of use of non-wood bats. a. Definitions. When used herein, the following terms shall have the following meanings:

1. "Competitive baseball game" shall mean any organized baseball game at which a certified umpire officiates and which takes place in the city of New York.

2. "High school age children" shall mean persons older than thirteen years of age, but younger than eighteen years of age.

3. "School" shall mean any public or private school which includes any grade nine through twelve and which is located in the city of New York.

4. "Wood bat" shall mean any baseball bat constructed exclusively of wood or any wood laminated or wood composite bat, which is approved by major league baseball, pursuant to such organization's official rules, for major league or minor league baseball play; provided that such term shall not include any bat made in whole or in part of metal, including, but not limited to, aluminum, magnesium, scandium, titanium or any other alloy compound.

b. Only wood bats shall be used in any competitive baseball game in which high school age children are participants and which involves the participation and/or sponsorship of a school.

§3. This local law shall take effect on September 1, 2007.

3/1/07 1:51 pm

NYC0001598